

## **REMARKS**

### **INTRODUCTION**

Claims 58-75 were previously pending and under consideration.

Claims 76-84 are added herein, of which claim 78 is independent.

Therefore, claims 58-84 are now pending and under consideration.

Claims 58-75 are rejected.

Claims 72 and 73 are objected to.

Claim 58 is amended herein.

No new matter is being presented, and approval and entry are respectfully requested.

### **OBJECTION TO CLAIMS 72 AND 73**

Claims 72 and 73 have been amended for single dependency.

### **REJECTIONS UNDER 35 USC § 112, SECOND PARAGRAPH**

In the Office Action, at pages 2-3, claims 58-75 were rejected under 35 U.S.C. § 112, second paragraph, for the reasons set forth therein. Withdrawal of the rejection is respectfully requested for the following reasons.

#### Claim 58

Claim 58 was rejected as indefinite. The §112 rejection states that "[a]pplicant has provided no known standard of what light-emission intensity would be necessary to display the white color" (page 3, lines 4-6). Claim 58 is not indefinite because one skilled in the art will be able to determine what intensity to use based on the filter. For example, if the filter reduces the intensity of the red cell by X (easy to determine), then the red cell will be set with an intensity

such that it emits with approximately X additional intensity. See page 16, lines 10-15 of the specification, as well as claim 58, which recites that the intensity is "set ... so that light within the wave range is emitted with intensity to compensate for attenuation of light within the wave range absorbed by the filter". One skilled in the art will understand the attenuation from the filter and will also understand the compensatory intensity of a cell in view thereof.

Claims 58, And 63-68

It is respectfully submitted that the §112 rejection and the conclusion of criticality/inherency (page 7) are mutually inconsistent and one or both should be withdrawn. On the one hand, the Office Action suggests that the unexamined features are indeterminate (see item 6 of the Office Action) and their meaning cannot be determined by one skilled in the art (see discussion of claim 58 above). On the other hand, the Office Action suggests that the *same indefinite features* are critical for novelty and inherent in the prior art (see page 7 of the Office Action).

It appears inconsistent to characterize a feature as both indeterminate *and* inherent/critical. Applicant respectfully requests either withdrawal of the rejection, withdrawal of the criticality/inherency conclusion, or an explanation of what meaning is being given to the feature of claim 58 and how the feature can be determined to be critical if it is indefinite.

**REJECTIONS UNDER 35 USC § 102**

In the Office Action, at pages 3-4, claims 58-59 and 63-71 were rejected under 35 U.S.C. § 102 as anticipated by Ueoka. This rejection is traversed and reconsideration is requested.

**UEOKA DOES NOT DISCLOSE ONE FILTER OR ONE FILTER COMPOSITION FILTERING CELLS OF EACH DISCHARGE COLOR**

Claims 58 and 78 recite "a filter disposed on the front substrate ... where the filter comprises a single composition disposed on the front substrate to filter the at least some of the discharge cells corresponding to each of the red, the green, and the blue fluorescent substances". In other words, a single same filter composition filters cells of each different color.

In contrast, Ueoka discloses that a different windowed filter 3r is provided for each of the red cells, a different windowed filter 3b is provided for each of the blue cells, and a different windowed filter 3g is provided for each of the green cells. Column 8, lines 1-6 disclose that windows framed by a grid have a rectangular form arranged to individually surround the openings of red, blue, and green discharge cells. The windows "have red, blue, and green color filter pastes applied" thereto, according to the discharge color of their cell. Figures 2 and 3 clearly show that each cell has a different small filter corresponding to its color.

It is respectfully noted that the claims do not rely merely on a single filter/composition, but also on the single filter composition with the recited attenuation feature in combination with a discharge cell with intensity to compensate therefor.

Withdrawal of the rejection is respectfully requested.

#### **REJECTIONS UNDER 35 USC § 103**

In the Office Action, at pages 4-6, claims 60-62 were rejected under 35 U.S.C. § 103 as being unpatentable over Ueoka in view of Betsui. This rejection is traversed and reconsideration is requested.

The rejection suggests adding Betsui to Ueoka. However, the motive for combining the references is not found in the prior art and is too general. The rejection does not indicate a suggestion in the prior art why one skilled in the art would believe that Betsui would improve the display of Ueoka. Ueoka states that its filters and shield provide excellent contrast and brightness (col. 7, lines 60-64). Increasing the brightness of the red cells in Ueoka would upset the established balance of Ueoka's display without any apparent benefit.

Withdrawal of the rejection is respectfully requested.

## DEPENDENT CLAIMS

The dependent claims are deemed patentable due at least to their dependence from allowable independent claims. These claims are also patentable due to their recitation of independently distinguishing features. For example, claims 76 and 79 recite "the filter comprises a single continuous filter". This feature is not taught or suggested by the prior art. Withdrawal of the rejection of the dependent claims is respectfully requested.

## CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

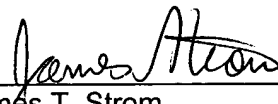
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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